



TILLAMOOK COUNTY

BOARD OF COMMISSIONERS

NOTICE OF MEETING AGENDAS

BOARD OF COMMISSIONERS

David Yamamoto, Chair
dyamamoto@co.tillamook.or.us

Erin D. Skaar, Vice-Chair
eskaar@co.tillamook.or.us

Mary Faith Bell, Commissioner
mfbell@co.tillamook.or.us

CONTACT

Tillamook County Courthouse
201 Laurel Avenue
Tillamook, Oregon 97141
503.842.3403
www.co.tillamook.or.us

COMMUNITY UPDATE MEETING

Tuesday, November 29, 2022 at 8:00 a.m.
Teleconference and KTIL-FM at 95.9

BOARD MEETING

Wednesday, November 30, 2022 at 9:00 a.m.
Board of Commissioners' Meeting Room 106
County Courthouse, Teleconference, and Live Video at tctvonline.com

AGENDAS

COMMUNITY UPDATE – 2022-11-29 COMMUNITY UPDATE AUDIO.MP4

CALL TO ORDER: Tuesday, November 29, 2022 8:00 a.m.

1. 00:37 Welcome and Board of Commissioners' Roll Call
2. 01:04 Adventist Health Tillamook
3. 05:15 Coastal Caucus
4. 21:48 Nehalem Bay Health Center & Pharmacy
5. 24:14 Sheriff's Office
6. 33:26 Emergency Management
7. 34:54 Board of Commissioners
8. Cities
 - 38:41 Manzanita
 - 41:06 Garibaldi
 - 42:05 Bay City
 - 43:20 Tillamook
 - 50:17 South County

ADJOURN – 8:53 a.m.

MEETING – 2022-11-30 BOCC MEETING AUDIO.MP4

CALL TO ORDER: Wednesday, November 30, 2022 9:00 a.m.

1. 00:18 Welcome & Request to Sign Guest List
2. 04:21 Pledge of Allegiance
3. 04:47 Public Comment:
State of Emergency Status/Loten Hooley
4. Non-Agenda Items:

06:31 **UNSCHEDULED:** Discussion and Consideration of a Letter to the Association of Oregon & California Counties for Chair Yamamoto to Cast Proxy Votes/Chair David Yamamoto

A motion was made by Commissioner Bell and seconded by Vice-Chair Skaar. The motion passed with three aye votes. The Board signed the proxy letter.

LEGISLATIVE – ADMINISTRATIVE

5. 08:35 Discussion and Consideration of State of Oregon Department of Human Services Intergovernmental Grant Agreement Number 177342 for the Youth Experiencing Homelessness Program/Thomas Fiorelli, Housing Coordinator

A motion was made by Commissioner Bell and seconded by Vice-Chair Skaar. The motion passed with three aye votes. The Chair signed the grant agreement.
6. 15:11 Discussion and Consideration of State of Oregon County Fairgrounds Capital Improvements Grant Agreement (Contract Number C2022538) for the Fairgrounds Electrical Project/Camy VonSeggern, Manager, Tillamook County Fairgrounds

A motion was made by Commissioner Bell and seconded by Vice-Chair Skaar. The motion passed with three aye votes. The Chair signed the grant agreement.
7. 20:03 Discussion and Consideration of a Resolution in the Matter of Authorizing the Execution of Documents Concerning the Purchase of Real Property Owned by Mark McClaskey and Debra McClaskey/Rachel Hagerty, Chief of Staff

A motion was made by Commissioner Bell and seconded by Vice-Chair Skaar. The motion passed with three aye votes. The Board signed Resolution #R22-014.
8. 22:53 Discussion and Consideration of a State of Oregon Housing and Community Services Department Sponsorship Grant Agreement #7442 for the North Coast Housing Summit/Commissioner Erin Skaar

A motion was made by Commissioner Bell and seconded by Vice-Chair Skaar. The motion passed with three aye votes. The Chair signed the grant agreement.

9. 27:08 Discussion and Consideration of a Change Order to Contract #6260 with Columbia-Cascade Construction, Incorporated for the Tillamook County Courthouse Interior Remodel Project/Rachel Hagerty, Chief of Staff

A motion was made by Commissioner Bell and seconded by Vice-Chair Skaar. The motion passed with three aye votes. The Chair signed the change order.

10. 31:37 Discussion and Consideration of a Certificate of Substantial Completion with Columbia-Cascade Construction, Incorporated for the Tillamook County Courthouse Interior Remodel Project/Rachel Hagerty, Chief of Staff

A motion was made by Commissioner Bell and seconded by Vice-Chair Skaar. The motion passed with three aye votes. The Chair signed the certificate of completion.

Chair Yamamoto recessed the meeting at 9:32 a.m.

Chair Yamamoto reconvened the meeting at 10:00 a.m. – 2022-11-30 BOCC MEETING AUDIO.MP4 PART II/

10:00 a.m.

11. 00:24 **First Public Hearing:** Concerning Proposed Amendment #1 to Ordinance #85 Tillamook County Workforce Housing Property Tax Exemption Ordinance/Sarah Absher, Director, Community Development
- 00:56 Staff Report and Presentation/Thomas J. Fiorelli, Housing Coordinator, Community Development
- 10:28 Opened Public Hearing
- Public Comment
- 10:28 Affordable Housing for Non-Low-Income People/Chris Wilks
- 10:30 Closed Public Hearing

10:30 a.m.

12. 30:50 **First Public Hearing:** Concerning Proposed Ordinance #88 Regarding a Business License Fee within Unincorporated Tillamook County/William K. Sargent, County Counsel
- 31:06 Comments on Ordinance/William K. Sargent, County Counsel
- 34:14 Comments on Business License Fee and Ordinance Language/Terre Cooper, Director, Economic Development Council
- 41:48 Opened Public Hearing
- 42:25 Inspection Right of Entry/Tyson Price
- 45:28 Inspection Rights, Cost/Karl Zweifel

- 48:20 Violate Oath of Office, No Input Allowed/April Bailey
- 51:14 Shortage of Staff to Implement, Vague Verbiage/Chris Wilks
- 53:28 Section II, A-G, Right of Entry/Dave Burt
- 55:28 No Return on Fees Paid/Josh Armstrong
- 58:46 Businesses Struggling, Clarification of Small Businesses/Tiffany Jacob
- 1:01:36 Section II, Item H Purpose/Loten Hooley
- 1:09:25 Farmers Over-regulated Inspections and Fees/Cory Kuipers
- 1:11:44 Farm Has Regulations; Public Hearing Times for Working People/Garritt Kuipers
- 1:14:35 Unclear Ordinance Language/Glenn Gillis
- 1:20:03 Small Business Owner Concerns; Inspections; Already Regulated State and Federal/Rebecca Jacob
- 1:22:58 Ordinance Not Ready/Justin Aufdermauer
- 1:25:47 Roster of Businesses in Unincorporated Area/Jim Mick
- 1:27:29 Historical Lack of Need for Business License /Jonathan Whittles
- 1:32:27 Needs Citizen Input/Rick Cunningham
- 1:34:54 Rewording of Section 9, C, Fees Controls/Damian Laviolette
- 1:39:43 Small Businesses Harmed/Michael Sears
- 1:42:07 Who Enforces/Tylea Sumerlin, Little Cheese Coin Op
- 1:46:23 Discussion of Ordinance Changes/William K. Sargent, County Counsel
- 1:46:50 Government Process Question Rework Document/Commissioner Erin Skaar
- 1:47:04 Clarification of Law/William K. Sargent, County Counsel
- 1:47:29 Substantial Change, New Draft, New Public Hearings/Rachel Hagerty, Chief of Staff
- 1:47:45 Work Group Business Owners Formation/Commissioner Mary Faith Bell
- 1:50:40 Cancellation of Second Public Hearing Announcement/Commissioner David Yamamoto
- 1:52:36 Closed Public Hearing
- 13. 1:52:50 Board Concerns – Non-Agenda Items: There were none.
- 14. 1:52:53 Board Announcements

ADJOURN – 11:53 a.m.

JOIN THE BOARD OF COMMISSIONERS' MEETINGS

The board is committed to community participation and provides opportunity for public attendance during meetings via in-person and teleconference.

- **Community Update Meetings: Tuesdays at 8:00 a.m.**
 - Teleconference: Dial 971-254-3149, Conference ID: 736 023 979#
 - Radio: KTIL-FM at 95.9
- **Board Meetings: Wednesdays at 9:00 a.m.**
 - County Courthouse: Board of Commissioners' Meeting Room 106, 201 Laurel Avenue, Tillamook
 - Teleconference: Dial 971-254-3149, Conference ID: 736 023 979#
 - Live Video: tctvonline.com

MEETING INFORMATION AND RULES

- Matters for discussion and consideration by the board shall be placed on an agenda prepared by the staff and approved by the board chair. Any commissioner may request items on the agenda.
- Public hearings are formal proceedings publicized through a special public notice issued to media and others. Public hearings held by the board are to provide the board an opportunity to hear from the public about a specific topic. Public hearings are therefore different regarding audience participation at board meetings.
- Commissioners shall be addressed by their title followed by their last name.
- Commissioners shall obtain approval from the chair before speaking or asking questions of staff, presenters, and public. As a courtesy, the chair shall allow an opportunity, by the commissioner who has the floor, to ask immediate follow-up questions.
- A majority of the board shall constitute a quorum and be necessary for the transaction of business.
- All board meeting notices are publicized in accordance with public meeting laws.
- All board meetings shall commence with the Pledge of Allegiance.
- The chair will utilize the gavel as needed to maintain order, commence and adjourn meetings, and signal approval of motions.
- The board reserves the right to recess to executive session as may be required at any time during these meetings, pursuant to ORS 192.660(1).
- The courthouse is accessible to persons with disabilities. If special accommodations are needed for persons with hearing visual, or manual impairments who wish to participate in the meeting, contact (503) 842-3403 at least 24 hours prior to the meeting so that the appropriate communications assistance can be arranged.

PUBLIC COMMENT

- Providing public comment is an opportunity for constituents to be heard and express their views to the board.
- The board allows public comment at board meetings during the public comment period designated on the agenda.
- Comments are limited to one per person and per agenda item.
- Comments must be related to the agenda item(s) previously registered to comment on.
- The allotted time for public comments is two minutes per person; this time may not be allotted to another speaker. The chair may, at their sole discretion, further limit or expand the amount of time.
- The public comment opportunity is not a discussion, debate, or dialogue between the speaker and the board, which may or may not respond.
- Members of the public do not have the right to disrupt the meeting; the board may prohibit demonstrations such as booing, hissing, or clapping.
- Remarks containing hate speech, profanity, obscenity, name calling or personal attacks, defamation to a person, people, or organization, or other remarks the board deems inappropriate will not be allowed.
- Failure to follow all rules and procedures may result in not being able to provide public comment and/or being removed from the meeting.

In-Person Procedures

- Sign in before the meeting begins and indicate your desire to provide public comment and which agenda item you would like to comment on. When your name is announced, please come forward to the table placed in front of the dais and for the record, first identify yourself, area of residence, and organization represented, if any.

Virtual Procedures

- Register by sending an email to publiccomments@co.tillamook.or.us by 12:00 p.m. on the Tuesday prior to the board meeting. The email must contain all of the following information:
 - Full name, area of residence, and phone number.
 - Agenda item(s), you wish to comment on.
- Once registered, and before the start of the meeting, board staff will email a Microsoft Teams meeting link.
- When logged in to the meeting you must remain muted with your camera off until your name is called, then you unmute and turn on your camera.
- The chair may require those providing virtual comment to turn on their camera while providing comment or testimony.

Written Procedures

- Written comments may be mailed to 201 Laurel Avenue, Tillamook, Oregon 97141 or emailed to: publiccomments@co.tillamook.or.us.
- Written comments received by 12:00 p.m. on the Tuesday prior to the board meeting will be distributed to the board and posted online. All written comments submitted become part of the permanent public meeting record.

AGENDAS

COMMUNITY UPDATE

CALL TO ORDER: Tuesday, November 29, 2022 8:00 a.m.

1. Welcome and Board of Commissioners' Roll Call
2. Adventist Health Tillamook
3. Coastal Caucus
4. Tillamook County Community Health Center
5. Nehalem Bay Health Center & Pharmacy
6. Tillamook Family Counseling Center
7. Sheriff's Office
8. Emergency Management
9. Board of Commissioners
10. Cities
 - a. Manzanita
 - b. Nehalem
 - c. Wheeler
 - d. Rockaway Beach
 - e. Garibaldi
 - f. Bay City
 - g. Tillamook
 - h. South County

ADJOURN

MEETING

CALL TO ORDER: Wednesday, November 30, 2022 9:00 a.m.

1. Welcome & Request to Sign Guest List
2. Pledge of Allegiance
3. Public Comment
4. Non-Agenda Items

LEGISLATIVE – ADMINISTRATIVE

5. Discussion and Consideration of State of Oregon Department of Human Services Intergovernmental Grant Agreement Number 177342 for the Youth Experiencing Homelessness Program/Thomas Fiorelli, Housing Coordinator
6. Discussion and Consideration of State of Oregon County Fairgrounds Capital Improvements Grant Agreement (Contract Number C2022538) for the Fairgrounds Electrical Project/Camy VonSeggern, Manager, Tillamook County Fairgrounds
7. Discussion and Consideration of a Resolution in the Matter of Authorizing the Execution of Documents Concerning the Purchase of Real Property Owned by Mark McClaskey and Debra McClaskey/Rachel Hagerty, Chief of Staff
8. Discussion and Consideration of a State of Oregon Housing and Community Services Department Sponsorship Grant Agreement #7442 for the North Coast Housing Summit/Rachel Hagerty, Chief of Staff
9. Discussion and Consideration of a Change Order to Contract #6260 with Columbia-Cascade Construction, Incorporated for the Tillamook County Courthouse Interior Remodel Project/Rachel Hagerty, Chief of Staff
10. Discussion and Consideration of a Certificate of Substantial Completion with Columbia-Cascade Construction, Incorporated for the Tillamook County Courthouse Interior Remodel Project/Rachel Hagerty, Chief of Staff

10:00 a.m.

11. **First Public Hearing:** Concerning Proposed Amendment #1 to Ordinance #85 Tillamook County Workforce Housing Property Tax Exemption Ordinance/Sarah Absher, Director, Community Development

10:30 a.m.

12. **First Public Hearing:** Concerning Proposed Ordinance #88 Regarding a Business License Fee within Unincorporated Tillamook County/William K. Sargent, County Counsel

13. Board Concerns – Non-Agenda Items

14. Board Announcements

ADJOURN

OTHER MEETINGS AND ANNOUNCEMENTS

The Commissioners will hold a Board Briefing on **Wednesday, November 30, 2022** at **2:00 p.m.** to discuss weekly Commissioner updates. The meeting will be held in the Board of Commissioners' Conference Room 106 in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon. The teleconference number is 1-971-254-3149, Conference ID: 736 023 979#.

The Commissioners will hold a workshop on **Monday, December 5, 2022** at **1:00 pm** with John Upton for a quarterly report on Tillamook County's Retirement Plan. The teleconference number is 1-971-254-3149, Conference ID: 736 023 979#.

BOARD OF COMMISSIONERS' BOARD MEETING

Wednesday, November 30, 2022

| | | | | | |
|-----------------|-------------------------------------|--------------------------|----------------|-------------------------------------|--------------------------|
| | Present | Absent | | Present | Absent |
| David Yamamoto | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Rachel Hagerty | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Erin Skaar | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Bill Sargent | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Mary Faith Bell | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | |

PLEASE PRINT

Name

Email or Address

Item of Interest

Will Cheppal headlight reports @ Countrymedia.net Let

THOMAS J. FIORELLI TFIORCELL@CO.TILLAMOOK.OR.US #164013/TAX EXEMPTION

Pub # April Bailey & children abailleyfaith@hotmail.com Ordinance # 88

Pub # David Burt #88

7 Lane Welch lwelch@a.bay-city.or.us "

✓ Damian Lavolette damian.lavolette@gmail.com 88

✓ Mitchell & Linda Buell Norwester@garibaldiarters.com #88

(Please use reverse if necessary)

TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING

WEDNESDAY, NOVEMBER 30, 2022

PUBLIC COMMENT SIGN-IN SHEET

PLEASE PRINT

| | NAME | AREA OF RESIDENCE | NAME OF ORGANIZATION (IF ANY) | AGENDA ITEM |
|---|---------------------------|----------------------|---------------------------------|------------------|
| ✓ | Tyson Price | Tillamook | S-R Repair LLC | ORDINANCE #88 |
| ✓ | Rebecca Zweifel | Tillamook | Zweifel Custom Farming LLC | ORD #88 |
| ✓ | April Bailey | Cloverdale | | OR #87 |
| ✓ | CHRIS WILKS | TILLAMOOK | Wags Landscaping | |
| ✓ | DAVE BURT | TILLAMOOK | | |
| ✓ | GARY WRIGHT | TILLAMOOK | | |
| ✓ | JOSH ARMSTRONG | CLOVERDALE | | |
| — | ROY ELDERBROCK | TILLAMOOK | | |
| — | Bill Hauptman | Tillamook | | |
| ✓ | Tiffany Jacob | Tillamook | | Ordinance 88 |
| — | Allen Burris | Tillamook | | " " |
| — | Jeff Underwood | Tillamook | Information Services | 10/10 |
| ✓ | Loren Hooty | Tillamook | | 88 |
| ✓ | Alex Cole | Tillamook | 24/7 Truck & Auto | 88 |

Pierce Arms

ceded to Hooty

TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING

WEDNESDAY, NOVEMBER 30, 2022

PUBLIC COMMENT SIGN-IN SHEET

PLEASE PRINT

| | NAME | AREA OF RESIDENCE | NAME OF ORGANIZATION (IF ANY) | AGENDA ITEM |
|---|--------------------|-------------------|-------------------------------|-------------|
| ✓ | Dillon Waldron | Tillamook | | |
| ✓ | Dale Waldron | Tillamook | | |
| ✓ | Cory Knipors | Tillamook | Knipors Farms | or 88 |
| ✓ | Garritt Knipors | Tillamook | Knipors Farms | or 88 |
| ✓ | Glen Guma | Pacific City | Pacific City NW Chamber | OK & F |
| ✓ | Nisley Hador | Cloverdale | Northwest Vet Rego | 88 |
| ✓ | Travis Wagner | Tillamook | Wags Innovations | |
| ✓ | Justin Aufdermauer | Tillamook | Tillamook Chamber of Commerce | 88 |
| ✓ | Karl Zweifel | Tillamook | Zweifel Custom Farming | 88 |
| ✓ | Jim Mick | Cloverdale | Rod & Reel Wheel & Wheel | 88 |
| ✓ | Jonathan Whittles | Cloverdale | Viton Precision | 88 |
| ✓ | Rick Cunningham | CLOVERDALE | SAND LAKE TSUNAMI ATV RENTAL | 88 |
| ✓ | Damian Lajolette | Rockaway Beach | Jetty Fishery | 88 |
| ✓ | Michael Seans | Tierra Del Mar | Self | 88 |

Mitchell & Linda
Buell?

Leane?

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

| | | |
|----------------------------------|---|---------------------|
| In the Matter of an Ordinance |) | |
| Implementing a Property Tax |) | ORDINANCE #85 |
| Exemption for Workforce Housing |) | <u>AMENDMENT #1</u> |
| within Unincorporated Tillamook |) | |
| County; Providing Administrative |) | |
| Procedures for Compliance and |) | |
| Enforcement of the Exemption |) | |
| Program |) | |

The Board of Commissioners for Tillamook County ORDAINS as follows:

Section 1. Title

This Ordinance shall be known as the "Workforce Housing Property Tax Exemption Ordinance" and may be cited and pleaded as such and shall be cited herein as "this Ordinance", or by any reference to a section or subsection of this Ordinance.

Section 2. Authority

This Ordinance is enacted pursuant to ORS 203.035.

Section 3. Purpose

The purpose of this Ordinance is to incentivize workforce housing in furtherance of Tillamook County's housing and livability goals. Oregon House Bill 2377 (2017) and ~~ORS 307.867 authorize Chapter 624 Oregon Laws 2017 enable local governments to~~ enact a property tax exemption for certain ~~multifamily workforce housing multiunit rental housing~~. This Ordinance implements House Bill 2377 and ~~ORS 307.867 Chapter 624 Oregon Laws 2017~~ and provides additional terms for receipt and administration of the property tax exemption.

Section 4. Applicability

This Ordinance shall apply within the unincorporated areas of Tillamook County, including areas within urban growth boundaries, but shall not apply within the boundaries of any incorporated City, except as allowed in the provisions of Oregon House Bill 2377 (2017) and ~~ORS 307.867 Chapter 624 Oregon Laws 2017~~.

Section 5. Definitions

Except where the context otherwise requires, the definitions established in this Section govern the construction of this Ordinance.

- (a) "Affordable". Housing which costs a household no more than thirty percent (30%) of its ~~gross income~~ Area Median Income adjusted to household size.
- (b) "Area median income". The Housing and Urban Development Area Median Income for Tillamook County that is effective as of January 1 of the calendar year in which an applicant is seeking this property tax exemption.
- (c) "Assessor". The Tillamook County Assessor.
- (d) "Building". The same as it does at Section 11.030 of the Tillamook County Land Use Ordinance.
- (e) "Claim" or "claimed". A unit that was deemed eligible and for which the applicant sought the property tax exemption.
- (f) "Community Development". The Tillamook County Department of Community Development.
- (g) " Dwelling unit". The same as it does at Section 11.030 of the Tillamook County Land Use Ordinance.
- (h) "Eligible". A building or dwelling unit that qualifies under Section 6 of this Ordinance.
- (i) "~~Multi-unit rental housing~~ or ~~multifamily~~". For the purposes of this exemption, any detached structure within which there are at least three (3) separate dwelling units.
- (j) "Real Market Value". The real market value as determined by the Assessor.
- (k) "Rehabilitation". Bringing an existing multifamily building, having been occupied for no fewer than twenty (20) years, up to full compliance with applicable building code and completing all deferred maintenance. Additionally, the cost of the rehabilitation must exceed fifty percent (50%) of the most recent Real Market Value of the structure prior to the proposed improvement.
- (l) "Transient lodging" means:
 - (A) Hotel, motel, and inn dwelling units that are used for temporary overnight human occupancy;
 - (B) Spaces used for parking recreational vehicles or erecting tents during periods of human occupancy; or

- (C) Houses, cabins, condominiums, apartment units or other dwelling units, or portions of any of these dwelling units, that are used for temporary human occupancy.
- (m) "Unclaimed". An otherwise eligible unit for which the applicant did not claim the property tax exemption.

Section 6. Eligibility and Duration of Exemption

- (a) An applicant may apply for this exemption on the basis of new construction or rehabilitation; in either case, the property tax exemption shall apply in the first property tax year after receipt of a Certificate of Occupancy for the subject building.
- (b) Only those dwelling units which are affordable to households making up to one hundred twenty percent (120%) of the Area Median Income shall be considered eligible for the property tax exemption.
 - (A) An applicant may choose to omit an otherwise eligible dwelling unit from the exemption program; this unit shall be referred to as unclaimed.
 - (1) No more than twenty percent (20%) of the total units shall be omitted via this mechanism.
 - (B) An applicant may not claim or unclaim new units for this exemption once an application has been approved and the first property tax year of the approved exemption has begun, unless Community Development, in conjunction with the Assessor, determines that unforeseen circumstances necessitate the change. Tax statements shall be adjusted, including adding previously exempt property taxes as required, according to any changes in eligibility made as a result of this subsection, to be assessed on the next property tax year.
- (c) The percentage of units which claim the exemption, rounded down to the nearest ten percent (10%), shall determine the duration of the exemption according to the following table:

| Minimum % of Eligible Units | Years of Exemption |
|-----------------------------------|-----------------------|
| 10% | 1 |
| 20% | 2 |
| 30% | 3 |
| 40% | 4 |
| 50% | 5 |
| 60% | 6 |

| | |
|------|----|
| 70% | 7 |
| 80% | 8 |
| 90% | 9 |
| 100% | 10 |

- (d) No building shall be eligible for this property tax exemption more than once for its lifetime, regardless of whether it was claimed on the basis of rehabilitation or new construction.
- (e) Any limits on rent pursuant to this Ordinance shall expire on the first property tax year after the exemption expires.
- (f) A property shall only be eligible for the exemption granted under this Ordinance upon passage of a board order, resolution, or other formal document in support of this Ordinance by tax districts whose property tax rates, when combined with the rates of Tillamook County, equal 51 percent or more of the total combined rate of taxation on the eligible rental property.
- (A) The exemption, if granted, shall apply to all property tax levies of all taxing districts in which eligible rental property is located.
- (g) Tax exemption enabled under Oregon House Bill 2377 and Chapter 624 Oregon Laws 2017 is repealed on January 2, 2027. If this Ordinance or ORS 307-867 is repealed, eEligible rental property that is granted exemption under this Ordinance shall continue to receive the exemption under the provisions of this Ordinance for the period of time for which the exemption was granted.

Section 7. Rent Limits

- (a) The maximum chargeable monthly rent for a claimed unit shall be based on the maximum rent affordable to 120% of the Area Median Income adjusted to household size, and then adjusted according to the number of bedrooms available, with a studio apartment being a 0-bedroom. The adjustments shall occur by multiplying the Area Median Income rent by the corresponding adjustment factor in the following table:

| Number of Bedrooms | Rent Adjustment |
|-----------------------------------|--------------------------------|
| 0 | 70% |
| 1 | 80% |
| 2 | 90% |
| 3 | 110% |

- (b) ~~Each additional bedroom beyond the adjustment factors in Section 7(a) shall increase the maximum allowable rent on a claimed unit by ten percent (10%).~~

(b) Rent limits are calculated based on thirty percent (30%) of the Tillamook County Area Median Income adjusted to household size.

- (c) The average rent of the claimed units shall not exceed the average rent of the same units rented at a level affordable to a household making one hundred percent (100%) of the Area Median Income, ~~after adjustment according to the table in Section 7(a).~~
- (d) Any utilities separately charged from the landlord to the tenant shall count toward the charged rent. Utilities for which the tenant is solely responsible, or for which the landlord does not separately charge the tenant, shall not count toward the charged rent.
- (e) An otherwise eligible building seeking this exemption on the basis of rehabilitation, which has received State or Federal funding and which, as a condition of securing said funding, limits rents to those affordable to households making eighty percent (80%) or less of Area Median Income at the time of application for this program, and which continues to be limited by that condition at the time of application for this exemption, shall be prohibited from setting rents on its claimed units any more than that percentage limit to which they were previously bound, for the duration of the property tax exemption.

Section 8. Additional Rules

- (a) All rents and rent limits shall be rounded to the nearest dollar for the purposes of determining compliance.
- (b) Claimed units shall be prohibited from being converted to any form of transient lodging for the lifetime of the building.
- (A) Property owners shall record a legally binding covenant with the County Clerk identifying units for which the property tax exemption was claimed and prohibiting them from future usage as transient lodging.

Section 9. Application Process

- (a) Community Development shall provide for the necessary forms to apply for this exemption both initially and as part of the yearly renewal required by this Ordinance.
- (b) The applicant must own or lease the property to which the application relates.
- (c) The applicant shall pay a fee of one hundred dollars (\$100) to pay for review of the application.

- (d) The applicant must submit an application renewing the exemption each year for the duration of the property tax exemption.
 - (A) This renewal shall not require a Resolution by the Board of County Commissioners but shall be recorded by Community Development.
- (e) Upon receipt of an application, Community Development shall determine, as soon as practicable:
 - (A) Whether the subject property falls within the boundary of the County;
 - (B) The date on which the rehabilitation or construction of the subject property was or will be completed;
 - (C) The date on which the subject property was first offered for residential occupancy;
 - (D) The rent charged for each unit of the subject property and whether the rent meets the requirements of this Ordinance.
- (f) An application for the property tax exemption shall be filed by March 1 of the year preceding the tax year to which the application relates.
- (g) An application may be filed by December 31 of the current property tax year if accompanied by a late filing fee ~~of the greater of two hundred dollars (\$200) or one-tenth of one percent (0.1%) of the real market value as of the most recent assessment date of the eligible rental property to which the application relates~~ whichever is greater.
- (h) An application may be filed on or before April 1 of the current property tax year if the application is accompanied by a late filing fee of two hundred dollars (\$200) and the applicant demonstrates good and sufficient cause, as defined in ORS 307.162, for failing to file a timely application or is a first-time filer, as defined in ORS 307.162, of an application under this property tax exemption.
- (i) Late fees collected shall be deposited to the Tillamook County General Fund.
- (j) Determinations made under this application process cannot be appealed.
- (k) An application must receive final approval via Resolution by the Board of County Commissioners acknowledging the property tax exemption on or before April 1 of the year preceding the year to which the application relates.

Section 10. Reporting and Enforcement

- (a) Community Development shall track active property tax exemptions under this Ordinance, including the duration as well as all units of the affected buildings, their eligibility and claim on the exemption, and their rents.
- (b) Community Development shall publish the annual rent thresholds no later than the second Monday of the year following the effective date of the Housing and Urban Development Area Median Income for Tillamook County for which the rent thresholds apply and shall notify affected property owners via written notice as soon as practicable, in addition to publishing the thresholds on the County website.
- (c) Any activity which Community Development deems to have violated the terms of the property tax exemption and in which Community Development has exhausted all notice requirements required by this section shall result in a recommendation to the Assessor on whether to terminate the exemption; the Assessor shall make a final determination and act accordingly without right of notice or appeal for the applicant.
 - (A) Exemptions terminated via this process shall have all property taxes previously exempted via this Ordinance assessed the next applicable property tax year.
- (d) As soon as practicable, but no later than fourteen (14) days after the rent thresholds are published, all property owners receiving the exemption shall file an application to continue the property tax exemption with Community Development.
 - (A) Failure to apply within fourteen (14) days shall result in written notice to the owner.
 - (B) Failure to apply within twenty-eight (28) days shall result in immediate termination of the exemption according to Section 10(c).
- (e) Property owners who receive the exemption must provide written notice to all tenants at time of lease that their unit is rent limited and provide contact information for Community Development.
 - (A) Community Development shall provide the requisite language and shall have forms available at the Community Development office for this purpose.
- (f) Any change in rents on claimed units shall be reported to Community Development no later than one (1) week before the change in rent is due to take effect.
 - (A) Any changes in rent must continue to comply with Section 7 of this Ordinance.

- (g) If at any time the rent of an individual claimed unit exceeds the limits set forth in the published rent limits, or if the average rent of all claimed units exceeds the average rent limit, Community Development shall notify the landlord with written notice.
- (A) Failure to adjust the rent below the individual unit limit within fourteen (14) days of notice shall result in termination of the exemption according to Section 10(c).
- (h) Repeat offenses of the rent limits are subject to the terms of Section 10(c).
- (i) The assessment and tax rolls shall show "potential additional tax liability" for each eligible rental property granted exemption under this Ordinance.
- (j) The above subsections notwithstanding, no part of this ordinance precludes a property owner from adjusting rents on a given claimed unit.

Section 11. Severability

If any section, subsection, provision, clause or paragraph of this Ordinance shall be adjudged or declared by any Court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity or the remaining portions of this Ordinance and it is hereby expressly declared that every other section, subsection, provision, clause or paragraph of this Ordinance, irrespective of the portion thereby declared to be unconstitutional or invalid, be valid.

Section 12. Effective Date

~~This Ordinance shall take effect on January 12, 2021, the ninetieth (90th) day after the date this Ordinance is adopted.~~

The Board of Commissioners finds that the enactment of this Ordinance is necessary for the public health, safety and general welfare, that an emergency exists and this Ordinance shall take effect immediately upon passage by the Board of County Commissioners.

~~Date of First Reading: September 23, 2020.~~ ~~November 30, 2020.~~

~~Date of Second Reading: October 14, 2020.~~ ~~December 14, 2020.~~

ADOPTED this ~~XX~~14th day of ~~XX~~December, ~~October~~, 2020.

Formatted: Tab stops: 2.05", Left

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Aye Nay Abstain/Absent

David Yamamoto ~~Bill Baertlein~~, Chair

Ordinance #85 Amendment #1 – Workforce Housing Property Tax Exemption Ordinance
Page 8 of 9

| ~~Mary Faith Bell~~ Erin D. Skaar, Vice Chair

| ~~David Yamamoto~~ Mary Faith Bell, Commissioner

ATTEST: Tassi O'Neil, County Clerk

APPROVED AS TO FORM:

| By: Isabel Gilda, Special Deputy
Sargent, County Counsel

Joel W. Stevens William K.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

| | | |
|-----------------------------------------|---|---------------|
| In the Matter of a Business License |) | |
| Fee within Unincorporated Tillamook |) | ORDINANCE #88 |
| County and Providing for the |) | |
| Allocation of Funds Dedicated to |) | |
| Supporting Economic Development |) | |
| Council Initiatives in Tillamook County |) | |

The Board of Commissioners for Tillamook County ORDAINS as follows:

Section 1. Title

This ordinance shall be known as the Business License Fee Ordinance and shall be administered by the Economic Development Council of Tillamook County.

Section 2. Purpose

This ordinance is enacted in order to support the following and other business support programs as developed:

- A. Gain a more comprehensive knowledge about the types of businesses operating in Tillamook County.
- B. Learn more about each individual operation and share information about support services.
- C. Express our appreciation to Tillamook County businesses and share in the celebration of current successes and achievements.
- D. Identify business concerns related to economic development and facilitate dialogue with the appropriate entities to address the issues.
- E. Identify and analyze trends, challenges and opportunities facing our existing businesses and mobilize appropriate resources, programs and services when appropriate.
- F. Act as a liaison, advocate and point of contact for Tillamook County's business and identify opportunities to work with businesses to attract critical suppliers, employees, and/or customers to Tillamook County.
- G. Identify opportunities for the expansion of specific business sector clusters.
- H. Obtain valuable information for emergency responders, planning and building personnel, and economic development. Ensure that each business is conducted in compliance with applicable federal, state, and local laws, regulations and ordinances and in a manner comporting within the public health, safety and general welfare.

Section 3. Applicability

All persons transacting and carrying on any business within Tillamook County unless exempt in Section 6 of this ordinance.

Section 4. Definitions

As used in this ordinance:

- A. "Board" means Board of Tillamook County Commissioners.
- B. "County" means Tillamook County, Oregon.
- C. "License Administrator" means Tillamook County Board of Commissioners, or its designee.
- D. "Applicant" means the person applying for a license to conduct a particular business within the County.
- E. "Business" means any activity, trade, profession, occupation, or pursuit operated, engaged, conducted, or carried on for profit, gain, livelihood, or any other purpose, regardless of the form under which the activity, trade, profession, occupation, or pursuit is operated, engaged, conducted or carried out within the County.
- F. "Day" means a calendar day unless otherwise noted.
- G. "Doing business" means to engage in any activity in pursuit of profit, gain, livelihood or any other purpose.
- H. "Income" means the net income arising from any business, as reportable to the State of Oregon for personal income, corporation excise or income tax purposes, before any allocation or apportionment for operation out of state, or deduction for net operating loss carry-forward or carry-back.
- I. "License" means the permission granted by the County under this ordinance to operate, engage, conduct or carry on a business within the County.
- J. "Licensee" means an applicant who has received a business license.
- K. "Non-profit organization" means any business or organization, which is exempt from taxation under the United States Internal Revenue Code and produces a determination letter of proof thereof.
- L. "Person" means an individual, partnership, corporation, limited company, joint venture, cooperative or any other entity in law or in fact.
- M. "Special event" means any special event receiving the prior approval of the License Administrator to be exempt from the license requirements under this

ordinance.

Section 5. License Required

- A. Except as exempt under Section 6 below, it shall be unlawful for any person to conduct business within the County without first having obtained a license for the current year as provided under this ordinance.
- B. A person engaged in business in more than one location, or in more than one business licensed under this ordinance shall make a separate application and pay a separate license fee for each business or location, except as otherwise provided in this ordinance. Only one license under this ordinance is required for mobile businesses such as housekeeping services, contractors, food trucks, and other related businesses, that travel throughout the county.
- C. If more than one business is conducted on the same premises, each business must obtain a separate license.
- D. A person representing himself or herself, or exhibiting any sign or advertisement that he or she is engaged in a business within the County of which a license fee is levied by this ordinance shall be deemed to be actually engaged in such business and shall be liable for the payment of such license fee and subject to the penalties for failure to comply with the requirements of this ordinance.
- E. The County or License Administrator shall require proof of state registration if required by the state. An applicant shall possess any state license required or shall be awaiting final approval by the state, if State approval is a prerequisite, before a County license will be issued.
- F. No person shall do business within the county as the employee, agent or representative of another person unless either the principal or the employee, agent or representative has a current, valid County business license for the business, no matter where the principal offices of that business are situated.

Section 6. Exemptions

The following are exempt from the licensing requirement:

- A. A service business operated by a person under the age of 18, such as a lawn mowing business, a newspaper delivery business, a lemonade stand, and the like.
- B. Individuals who work only on the premises of, and as part of, a licensed business that includes the activity of the individual. Examples include barbers, beauticians, medical care providers, attorneys, accountants, realtors and others who perform services as part of the overall licensed business. This exemption does not apply if the overall business operation has not obtained a business license.
- C. Garage sales, yard sales and other similar activity conducted, carried on or operated by an individual; provided, however, such exemption will not apply if

either of the following conditions are met:

1. The individual conducts, carries on, or operates more than five such sales within any calendar year; or
 2. Any one such sale has a duration of more than three (3) consecutive days.
- D. An organizer or participant in a special event, but only with respect to that particular special event.
- E. Activities that qualify as hobbies or passive holding of property for investment purposes under the United States Internal Revenue Code.

The following must obtain a business license but are exempt from payment of the license fee:

- A. Any business exempt by Federal or State constitution or law.
- B. Any business exempt from paying property tax.
- C. Any entity registered with the Oregon Secretary of State as a not-for-profit corporation.

Section 7. Business License Application Requirements

Each person desiring to engage in doing business must apply for a license to operate, engage, conduct or carry on the business on such forms and in such manner as the County may prescribe. The applicable license fee provided in Section 9 below must accompany the application. The application must be filed with the County or designee and, in addition to any other information reasonably required, must contain the following information:

- A. The date of the application.
- B. The name and physical address of the business, the address where the business will be located or have its office within the County, and the address of the principal office of such business and a valid mailing address if different from physical address.
- C. A brief description of the nature of the business, including its primary or predominant business activity.
- D. The date that business operations has or will commence.
- E. The name and address of the applicant and, if the applicant is an entity, the name and address of the authorized agent submitting an application on behalf of the applicant.
- F. The number of persons regularly employed.

- G. The person who may be contacted in case of an emergency and the phone number at which that person may be reached.
- H. The types of hazardous materials, if any, regularly maintained on the premises as defined under ORS 466.605.
- I. If any local, state or federal licenses, certificates, registrations or permits are required for the business and the identification of such licenses, certificates, registrations or permits including copies of such.
- J. The license fee tendered with the application.
- K. A verification by signature of the applicant, or authorized agent submitting the application on behalf of the applicant of the following:
 - 1. The information stated in the application is true, accurate and complete.
 - 2. The business is in compliance with all applicable federal, state and local laws, regulations and ordinances.
 - 3. The applicant or authorized agent has read, understands and agrees to abide by this ordinance.
 - 4. If the applicant is an entity, the authorized agent has the requisite power and authority to sign and submit the application on behalf of the applicant.
- L. A notice that the application is a public record and that the County or its designee will exempt from disclosure only information of a sensitive and confidential nature to the extent required by the Oregon Public Records Law (ORS 192.410-192.505) and other applicable laws.
- M. Any other information necessary to enable the County or its designee to review the application to determine whether the application should be approved.

Section 8. Posting and Display of License

Licensee shall post the license in a conspicuous place upon the business premises, available for inspection by the public and any employees and prospective employees of the business. When the licensee has no office, business premises or other established place of business within the County, the license must be in the possession of the agent or representative of the business who is present in the County at all times during which business is being transacted by the agent or representative in the County. If a licensed business is based in a motor vehicle, a photocopy of the license must be carried in the motor vehicle.

Section 9. Fees Imposed

- A. An annual license fee is imposed on the act of doing business within the County according to the following table:

1-10 employees: \$75.00
11-30 employees: \$150.00
31 or more employees: \$300.00

- B. Fees are due at the time of the initial application fees will be prorated for the initial year according to the month applied. Renewal fees are due annually by January 31 of the respective year and considered delinquent if not paid within 30 days. A person doing business in the County, for whom payment of a business license fee is delinquent, shall pay as a penalty for delinquency the additional sum of \$100.00 for each calendar month or fraction thereof for which payment remains delinquent. Applicant agrees to be liable for all internal and external collection costs, including collection agency fees and attorney fees in connection with any delinquency placed for collection by the license administrator.
- C. Nothing contained in this ordinance shall vest any right in a license as a contract obligation on the part of the County or its designee as the amount of the fee. The fees provided for in this ordinance may be increased or decreased, additional fees may be imposed, and classifications may be changed.
- D. A person operating more than one business shall pay the license fee prescribed for each of the businesses, except as specifically provided by ordinance.

Section 10. Transfers and Relocations, Terms of License

- A. Transfer of License. In the event of the transfer of ownership of a business, the applicable business license may be transferred by application to the license administrator. The license administrator may approve the transfer upon finding that the new applicant meets the requirements of this ordinance.
- B. Relocation of an Existing Business. In the event a business is relocated, the licensee shall reapply to the license administrator to transfer the business license. The license administrator may issue the license upon finding that the new location meets the requirements of this ordinance and other applicable federal, state, and local regulations.
- C. License Term. A business license issued under this ordinance shall be valid from the date of issuance until the following December 31.

Section 11. Approval, Denial, Revocation and Suspension

- A. Approval of Application.
 - 1. The license administrator shall issue a decision on an application for a new business license within thirty (30) days of the submission of a complete application and required fee upon a finding that the applicant has met all requirements of federal, state and local laws.
 - 2. The license administrator shall issue a license renewal upon finding that the applicant has met all requirements of federal, state, and local law.

3. If an application for a new license is approved, the license administrator shall notify the applicant in writing. The notice shall state any condition or limitation placed on the license as a condition of maintaining the license, which the County deems necessary to protect the public health, safety, or welfare which is required by federal, state, or local law.
- B. Denial, Suspension, Revocation of Application. The license administrator may deny, suspend or revoke a business license upon finding that:
 1. The licensee fails to meet the requirements of, or is doing business in violation of federal, state or local laws.
 - C. Notice. The license administrator shall provide written notice to the applicant or licensee of the denial, suspension or revocation. The notice shall state the reason for the action taken and shall inform the applicant or licensee of the right to appeal under Section 12 of this ordinance. The notice shall be given at least fifteen (15) days before the suspension or revocation becomes effective. If the violation ends within the fifteen (15) days, the license administrator may discontinue the suspension or revocation proceedings.
 - D. Reapplication. A person whose application for a business license that has been denied, suspended or revoked, may re-apply for a license or reinstatement upon payment of the application fee and submission of an application form and related documents.

Section 12. Appeal

In the event an application for a license under this ordinance is denied such license, or in the event a license is suspended or revoked, the applicant or licensee shall have the right to appeal.

- A. The written notice of appeal to the County shall be filed with the license administrator within fifteen (15) days after the license denial, suspension or revocation.
- B. The County shall hear and make a determination in regard to the appeal at its next regular meeting immediately following the filing of the notice of appeal.
- C. The decision of the County on the appeal shall be final and conclusive.

Section 13. Violation and Penalties

- A. Any person convicted of violating any of the provisions of this ordinance shall be punished by a fine not to exceed \$600.00 for any one offense. The fine commences seven (7) days following notification of offense. Each day constituting a separate offense.
- B. Inspection and Right of Entry. Whenever they shall have cause to suspect a violation of any provisions of this ordinance, or when necessary to investigate an application to, or revocation of a license under any of the procedures prescribed

in this ordinance, officials for the enforcement or administration of this ordinance, or their duly authorized representatives, may enter on any site, or into any structure, for the purpose of investigation providing they do so in a reasonable manner. If an owner or occupant denies access for an inspection, the County will seek a warrant. No secured building shall be entered without the consent of the owner or occupant unless under authority of a lawful warrant.

- C. Legal Proceedings by County Attorney. In addition to the enforcement provisions of this ordinance, the County Attorney may institute any additional proceedings, including, but not limited to, seeking injunctive relief to enforce the provisions of this ordinance.

Section 14. Severability Clause

A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section or part of this ordinance shall not affect the validity of the remaining parts to this ordinance.

Section 16. Effective Date

The Board of Commissioners finds that the enactment of this ordinance is necessary for the public health, safety and general welfare, that an emergency exists and this ordinance shall take effect immediately upon passage by the Board of County Commissioners.

Date of First Reading: November 30, 2022.

Date of Second Reading: December 14, 2022.

ADOPTED this 14th day of December, 2022.

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Aye Nay Abstain/Absent

David Yamamoto, Chair

_____ / _____

Erin D. Skaar, Vice Chair

_____ / _____

Mary Faith Bell, Commissioner

_____ / _____

ATTEST: Tassi O'Neil, County Clerk

APPROVED AS TO FORM:

By: _____
Debra Garland, Special Deputy

William K. Sargent, County Counsel

TILLAMOOK COUNTY BUSINESS LICENSE APPLICATION

All information must be completed before the application will be processed.

Business Name _____ Business Phone _____

Business Street Address _____

Business Mailing Address _____

Type of Business Conducted _____

Applicant's Full Name _____ Applicant's Email Address _____

Business Start Date _____ Number of Employees in Business (including owner) _____

Please attach copies of all other business licenses, certificates and registrations required by other local, state or federal jurisdictions and insurance certificate.

EMERGENCY CONTACT INFORMATION

Name

Phone

1. _____

2. _____

Liability Insurance Company _____

PLEASE RETURN THIS COMPLETED FORM AND APPLICATION FEE TO THE FOLLOWING

Economic Development Council of Tillamook County
4506 Third Street
Tillamook, OR 97141

Fees: 1 – 10 employees: \$75.00 per year
11 – 30 employees: \$150.00 per year
31+ employees: \$300.00 per year

NOTICE: The information provided on this application is public record. The County and/or its designee will exempt from disclosure only information of a sensitive and confidential nature to the extent required by state and other applicable law.

By signing this, I am representing that the information stated on this application is true, accurate and complete. I agree to comply with all applicable federal, state and local laws.

Date Submitted _____

Print Applicant's Name _____

Applicant's Signature _____

From:
To: [Public Comments](#)
Cc: [Erin Skaar](#); [David Yamamoto](#); [Mary Faith Bell](#); [glenn@iconipro.com](#); [Mark Lytle](#); [TIM@PACIFICCITYSUN.COM](#)
Subject: EXTERNAL: Proposed Business Tax
Date: Monday, November 28, 2022 11:59:58 AM

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Commissioners,

In reference to the proposed business tax, this email is in opposition. Well over 90% of the attendees at the Pacific City/Woods Chamber meeting were opposed as well.

I feel as though this is something being forced upon us, the taxpayers, that is not necessary or wanted. I understand that you want to fund the EDC so that you can use the lottery funds elsewhere, but having that on the backs of the businesses in unincorporated areas of the county is both onerous and discriminatory. I am opposed to taxing a few so that many can "benefit". I have been in business for over 25 years and not once used the services of the edc, so can't see how it would be such a wonderful thing to pay for something I don't use.

At what point will you listen to the taxpayers instead of passing taxes that allow you to shuffle money into different columns? I also find it somewhat disingenuous that during the start of covid, the commissioners, so "pro business", shut down the county and are now planning on taxing the businesses to purportedly help for economic development.

It amazes me that they "few" know so much better than the many and cram their agenda down our throats. Enough is enough, stop this tax!

Joe Hay
Haystack Fishing

Debra Garland

From: Rachel Hagerty
Sent: Wednesday, November 30, 2022 7:22 AM
To: Public Comments
Subject: FW: EXTERNAL: Proposed Ordinance Q #85 Business License Fee Ordinance Hearing Input

Debi, including this for the ordinance records. I have forwarded it to the board and Terre.

Rachel



Rachel Hagerty | Chief of Staff
TILLAMOOK COUNTY | Board of Commissioners
201 Laurel Avenue
Tillamook, OR 97141
Phone (503) 842-3404
Mobile (503) 812-3465
rhagerty@co.tillamook.or.us

This e-mail is a public record of Tillamook County and is subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.

From: Gus Meyer [REDACTED]
Sent: Tuesday, November 29, 2022 10:02 PM
To: Rachel Hagerty <rhagerty@co.tillamook.or.us>
Subject: EXTERNAL: Proposed Ordinance Q #85 Business License Fee Ordinance Hearing Input

[NOTICE: This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open attachments unless you are sure the content is safe.]

Chief of Staff:

Rachael Hagerty:

Recommended changes to Proposed Ordinance #85

=====

Section 1. This *unincorporated Tillamook County* ordinance shall be known.....

Section 2. (F)

Add (1) Publish a social media "Register" of Categorically Licensed Businesses in unincorporated Tillamook County.

Section 4 (B) "County" means unincorporated Tillamook County.

Section 4 (C) Confuses Administers statement of Section 1.

Section 5 (B) sentence 3 except ~~as otherwise~~ for exemptions provided in this ordinance.

Section 16.

Add:(1) Effective initial registration date to be completed within 60 days after Public Notification of Tillamook County Government approval of Ordinance # 85.

General Comment: This then serves the existing community, outsiders, local businesses, investors,. and out of county owners by being displayed on Tillamook County's webpage.

In essence it makes up for a lack of an unincorporated Chamber of Commerce for the many service providers currently hard to find, as I know only too well.

Thanks for the opportunity to make this input.

Gus Meyer,
Tillamook County Citizen

Debra Garland

From: Marie Hilton [REDACTED]
Sent: Tuesday, November 29, 2022 5:52 PM
To: Public Comments
Subject: EXTERNAL: Public Response to Proposed Ordinance #88

[NOTICE: This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Attn: Tillamook County Board of Commissioners.

I've just found out about this ordinance being proposed at the meeting tomorrow, so this email is probably arriving too late to make it into the published meeting minutes, but I'd like it to be noted that I feel that this Ordinance is wholly unnecessary. Not only is it unnecessary, the items listed under "Purpose", in Section 2 are ridiculous and trite in the extreme.

In this time of universally rising prices, continuing uncertainty, and an almost certain recession on the horizon how can you even propose yet another encumbrance on business owners? If anything, you should be encouraging fewer fees so that more businesses can afford to start up and operate in the county. This ordinance will do more harm than good. If anything, you are disincentivizing any future business startups.

This new tax is to be used for generally puttering around: "identifying" this and that, "learning" about businesses, acting as a "liaison" etc. It is nothing more than smoke and mirrors. The reasons proposed are vapid, vague, and without substance. They are so general as to be meaningless.

Please be honest: the county simply wants more money for doing nothing of real value for businesses or the community. A junior high school social studies paper could outline more robust economic imperatives.

This ordinance needs to be shelved immediately and real issues addressed.

Regards,

Marie Hilton

Debra Garland

From: Carol Horton [REDACTED]
Sent: Wednesday, November 30, 2022 12:53 PM
To: David Yamamoto; Erin Skaar; Mary Faith Bell; Public Comments
Subject: EXTERNAL: Include explicit exemption for STRs in Ord. 88

Follow Up Flag: Follow up
Flag Status: Flagged

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Dear Commissioners-

I have read the text of Ordinance 88 and listened to the hearing this morning.

While both County Counsel and EDC Director verbally stated that STRs would be exempt from this ordinance, this is not reflected in the written document.

Please ensure the next version of Ordinance 88 explicitly states that STRs are exempt.

Thank you!

Carol Horton
STR Operator and
Tillamook County home owner

Debra Garland

From: Tillamook County OR <tillamookcounty-or@municodeweb.com>
Sent: Wednesday, November 30, 2022 8:00 AM
To: Public Comments
Subject: EXTERNAL: Form submission from: Public Comment Registration

Follow Up Flag: Follow up
Flag Status: Flagged

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Public Comment Registration

Submitted on Wednesday, November 30, 2022 - 8:00am

Submitted values are below:

Name: Michael Sears

Area of Residence: Tierra Del Mar

Phone Number: [REDACTED]

Email Address: [REDACTED]

Agenda item commenting on: Ordince #88

Debra Garland

From: gibson.pdx [REDACTED]
Sent: Wednesday, November 30, 2022 7:11 AM
To: Public Comments
Subject: EXTERNAL: Public Comment - Ordinance 88

Follow Up Flag: Follow up
Flag Status: Flagged

[NOTICE: This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open attachments unless you are sure the content is safe.]

I'd like to register for public comment at Wednesday's BOCC meeting if possible.
If it's too late to register, please add the written comment below to the record for consideration of draft revisions to Ordinance 88.

Hillary Gibson
Neskowin
[REDACTED]

Agenda Item: Ordinance 88 (Business License)

From previous communications, it is my understanding that homeowners with Short Term Rental permits will be exempted from needing to obtain a Business License, as STR owners already pay both an annual STR Permit Fee and an annual Operator License Fee.

I'd like to request that this exemption be clearly included in Ordinance 88 under Section 6: Exemptions: The following are exempt from the licensing requirement:

F. Any property owner with a Short Term Rental permit who pays an Operator License Fee.

Thank you,
Hillary Gibson

Debra Garland

From: damian laviolette [REDACTED]
Sent: Tuesday, November 29, 2022 10:58 PM
To: Public Comments
Subject: EXTERNAL: Proposed Ordinance #88 Regarding a Business License Fee within Unincorporated Tillamook County
Attachments: Public Comment from Jetty Fishery Damian and Teah Laviolette to Ordinance 88.docx
Follow Up Flag: Follow up
Flag Status: Flagged

[NOTICE: This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Caution! This sender may be impersonating someone in your organization or a well known brand.

To: County Commissioners

From: Damian and Teah Laviolette (Jetty Fishery LLC)

Please find our public comment (see attachment) for the record as it relates to the 30 November 2022 Ordinance 88 Agenda discussion item. If we are too late as I believe we are, could this please be relayed to the commissioners as soon as able?

Thank you in advance.



To: Tillamook County Commissioners
Commissioner David Yamamoto
Commissioner Mary Faith Bell
Commissioner Erin Skaar

From: Damian and Teah Laviolette – Jetty Fishery LLC

Subject: Ordinance #88 Regarding a Business License Fee within Unincorporated Tillamook County

As a small business owner in Tillamook County and a small business that likely falls within the proposed guidance of this ordinance, we are in strong opposition to this ordinance passing. Operating our business is challenging enough to have further constraints like this placed upon us. We have three primary objections to this ordinance:

- First, this ordinance is worded very poorly in relation to small businesses and very favorably for the County governmental offices.
 - Section 2. Purpose, Part C, comments on how this ordinance will enable the County to express its appreciation to Tillamook County business and share in the celebration of current successes and achievements.

I am not sure how adding an additional licensing fee (at least in our case) is going to demonstrate appreciation and celebration to us as a business in Tillamook County


- Section 7. Business License Application Requirements, The application must be filed with the County or designee and, in addition to any other information reasonably required

Ambiguity around other reasonable information when a person's livelihood is at stake is a significant risk, especially if obtaining the other reasonable information may not be possible or is financially restricting.

- Section 7. Part F, Business License Application Requirements, The number of persons regularly employed.

Does this mean full and/or part-time employees? We are seasonal as well, what is regular? We often have at least 3 or 4 employees that may only work 2-3 days a week from November through May.

- Section 7. Part I Business License Application Requirements, you will be wanting us to submit any other local, state, or federal licenses, certificates,


"Family Owned 45 Years and Counting"



registrations, or permits for our business and the identification of such licenses, certificates, registrations, or permits including copies of such? We are far from the most complex or large entity within Tillamook County, but we don't have a normal business model by any means, this section will likely require us to submit between 5-8 additional documents. All of which do not have to be collected and provided to any one single other entity today.

- Section 7. Part M, Business License Application Requirements, Any other information necessary to enable the County or its designee to review the application to determine whether the application should be approved.

This is an interesting section. Our business which has been continuously and successfully operating in Tillamook County without a license for over 80 years, 45 years in our family alone could be denied simply because we can't or don't provide any "other" information that is deemed necessary at the time? This is way too open-ended. It is unacceptable to have ones currently existing business subjected to criteria like "other" for its continued operation, especially when the licensing requirement in question does not exist today nor has it.

- Section 9. Part C, Nothing contained in this ordinance shall vest any right in a license as a contract obligation on the part of the County or its designee as the amount of the fee. The fees provided for in this ordinance may be increased or decreased, additional fees may be imposed, and classifications may be changed.

To be clear we have no rights in regard to fees, you can raise, decrease, or add additional fees as you see fit and classifications i.e. requirements may change as well. Who would ever agree to something that has open-ended statements like fees may be increased or added without some control around how much annually or without a vote....or something....

- Section 10. Part A, Transfer of License. In the event of the transfer of ownership of a business, the applicable business license may be transferred by application to the license administrator. The license administrator may approve the transfer upon finding that the new applicant meets the requirements of this ordinance.

In addition to all of the previous changes in operation for a small business in the County unincorporated area we now have additional work to perform with potential buyers of our businesses or if we wish to transfer to a family member down the road.


"Family Owned 45 Years and Counting"



- Section 11. Part A 1 and 2, 1. The license administrator shall issue a decision on an application for a new business license within thirty (30) days of the submission of a complete application and required fee upon a finding that the applicant has met all requirements of federal, state, and local laws. 2. The license administrator shall issue a license renewal upon finding that the applicant has met all requirements of federal, state, and local law.

Today we operate and have operated successfully without any administrative oversight that might determine whether we do or don't meet all of the requirements to operate. All of section 11 and 12 has the potential to knock a business out of operation potentially crippling it at any time.

- Section 13. Part A and B Violation and Penalties now the County wants the right to fine the small business up to 600.00 for any one offense and you want the ability to inspect and right of entry and I quote Whenever they shall have cause to suspect a violation of any provision of this ordinance or when necessary to investigate an application.

So, we are going from no administrative overhead to a situation where the authorized representative may enter any site, or in any structure, for the purpose of investigation providing they do so in a reasonable manner. In our case our home and our manager's home are on the same site as the business, does this mean the authorized representative may enter any structure on site!!!!!! We are in the middle of a busy weekend or sale period and the authorized representative wants to enter our site and review our facilities and structures. If we don't want you coming into our home on the site and prevent you from doing so because you are suspicious of what's going on in the home, you will possibly see a warrant in order to enter the secured building.....Wow really

- Section 16. Effective Date, this mentions that this ordinance is necessary for the public health, safety and general welfare.....

We have operated in the same or consistent fashion for nearly 80 years and to the best of our knowledge never have we been a public health or safety issue.

- Second, The Jetty Fishery LLC already has numerous inspections, licenses, insurance certificates, leases, and unique business costs/taxes to include, but not limited to the following:

[REDACTED]

"Family Owned 45 Years and Counting"



- Liquor license, which we pay to the State and the County
- RV Park and Facilities inspection which we pay to the County
- Waterway Lease which we pay to the State
- LLC business license which we pay to the State
- Railroad right of way lease which we pay to the Port of Tillamook
- Railroad encroachment and parking lease which we pay to the Port of Tillamook
- Marina Insurance
- RV Park Insurance
- TLT Tax which we pay to the County and the State
- State Health Inspection certificate for live seafood sales
- Firepit permits from the State for RV park campsites

It is really hard to see how we would celebrate and/or be happy about yet another fee, tax, or requirement that we don't have today, haven't had for 80 years and one that has wide open capabilities to cost us more money, take more time from us, or just flat out stop our business.

We are just coming/still in a pandemic, global conditions are tumultuous to say the least, supply chain issues are rampant, fuel prices are double what they were two years ago, inflation and interest rates are concerning, and Tillamook County is adding a new fee to small businesses. This just does not make sense.

- Third, The Jetty Fishery LLC has commented on the following item before at numerous County meetings and with at least two of the three current sitting County Commissioners:
 - Today there are existing taxes and ordinances already in place within Tillamook County that is either not being enforced or are questionable in the practice of fair action.
 - We have always even through the pandemic made our TLT payments in full and on time to the County and the State, however when driving around the County we see numerous examples of people staying in the waysides and on the side of the road night after night, all of which could have been revenue to the Jetty Fishery or other transient lodging entities. There have been nights where Neah-Kah-Nie Mountain on the Tillamook County side has had 15 or more RVs camped out. We drive by one particular entity within the city limits (also within Tillamook County) that although not an RV park i.e. they don't collect money in a traditional fashion has at least 100-200% more RVs than we do on a daily basis. As a licensed RV Park that pays insurance and already has County inspections and fees. The RVs that visit this location drive on the same roads and use the same


"Family Owned 45 Years and Counting"



County facilities (one of the primary reasons behind the TLT Tax in Tillamook County) as the RVs that stay at our place of business, there is just no TLT collected. Why must we as a business continue to pay more and more each year to operate while all around us those willing to operate in the gray areas do not have to.

- Tillamook County Ordinance #64 requires all dogs in Tillamook County to be licensed, it is likely that less than %50 of the dogs within the County are licensed, why create another ordinance that is only going to keep honest people honest? Fix the enforcement challenges on the ones already in place first.
- In the unincorporated areas of the County, we do receive some of the benefits of the County like life safety, but to be honest we also pay our fair share of taxes as well for those services. We don't however get all of the potential opportunities that small businesses have in the incorporated or cities. The Jetty Fishery does not have access to sewer today and it would cost nearly \$500-600,000.00 dollars to obtain it, we don't have reliable high-speed broadband likely 20-40,000.00 to obtain it. Why add a fee on top of this especially one with all the open-ended and potentially catastrophic verbiage?

Thank you for your time and consideration of these comments, I hope that before you vote on this critical topic, please remember hardly ever do these types of things go away, and when the verbiage is as potentially harmful or weak as this, it would be a shame to be stuck with this for the next 20-30 years of my businesses operations, if I am lucky to keep getting renewed every year. I hope you protect the honest small business owners in the unincorporated areas of Tillamook County and don't penalize us for surviving these amazing times with another fee.

I and my wife are available any time to dialog further on this topic.

Damian and Team Laviolette (Jetty Fishery)


"Family Owned 45 Years and Counting"